United Nations A/HRC/28/11/Add.1

General Assembly

Distr.: General
6 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Angola

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.15-04433 (E)
1504433

Please recycle

1. The Angola Universal Periodic Review was held during the 20th Session of the Working Group on on 29 October 2014. During the interactive dialogue, 101 delegations made statements which resulted in total of 226 recommendations, of which the Angolan Government accepted 192 and 34 were left to be responded during the current Human Rights Council.

2. The outstanding recommendations were grouped into seven categories and are related to the following issues:

(a) Creation of a National Human Rights Institution in accordance with the Paris Principles;

(b) Open invitation to all Special Rapporteurs to visit Angola;

(c) Joining the Extractive Industries Transparency Initiative (EITI);

(d) Ratification of the Convention on the Prevention and Punishment of the Crime of Genocide;

(e) Ratification of the Rome Statute of the International Criminal Court;

(f) Decriminalization of defamation and related offenses.

Considerations on the recommendations

A. Creation of a National Human Rights Institution in accordance with the Paris Principles

3. The establishment of a National Human Rights Institution (NHRI) operating in accordance with the principles of Paris is an issue that deserves the attention and consideration of the Angolan government.

4. In this respect, Angola has an Ombudsman's Office, which is an independent public entity established to protect the Rights, Freedom and Constitutional Guarantees of citizens, ensuring Justice and the legality of the Public Administration by informal means.

5. In general, the Charter of the Ombudsman's Office of Angola is in accordance with the Paris Principles relative to duties, responsibilities and constitutional framework. In this sense, like in some other countries the Ombudsman's Office of Angola acts as a National Human Rights Institution.

B. Open invitation to all Special Rapporteurs to visit Angola

6. The Republic of Angola is committed to respecting the Fundamental Rights and Freedoms of its citizens and already welcomed some United Nations Special Rapporteurs for Human Rights.

7. However we believe that the open invitation to all Special Rapporteurs is not viable at the moment.

8. The Angolan Government would like to reiterate its invitation the Special Rapporteurs for Human Rights of Migrants and the Special Rapporteur for Adequate Housing. These invitations will be extended in due course.

C. Joining the Extractive Industries Transparency Initiative (EITI) partnership

9. The Extractive Industries Transparency Initiative (EITI) is voluntary and the Republic of Angola is a member of the United Nations and the African Union Convention against Corruption; it is also a founding member and current chair of the Kimberley Process Certification Scheme (KPCS) which imposes extensive requirements on its members to enable them to certify shipments of rough diamonds to prevent conflict diamonds from entering the legitimate trade.

10. The Government of Angola is considering the possibility to become partner of the EITI. In this regard, on December 22, 2014, the President of Republic has signed an executive Order which created a Working Group to evaluate the possibility of joining EITI.

D. Ratification of the convention on the Prevention and Punishment of the Crime of Genocide

11. Within the context of the ongoing Justice and Law Reform process, the Republic of Angola will study the mechanisms and obligations of this Convention for possible ratification. Nevertheless the rights protected under the Convention will be protected by ordinary domestic legislation, like the Criminal Code.

E. Ratification of the Rome Statute of the International Criminal Court

12. Angola has signed the Rome Statute of the International Criminal Court (TPI) but the process has not advanced because we have identified some incompatibility with the Constitution.

13. In addition, Angola as a member of the African Union supports its position on the International Criminal Court.

F. Decriminalization of defamation and related offenses

14. The Angolan State believes that freedom of expression is a fundamental right conferred by article 40 of the Constitution of the Republic of Angola, along with Law no. 7 dated May 15, 2006 — the Press Law, as well as other international legal instruments ratified by the Angolan State, such as the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights on its paragraph 3, article 19, since it does not violate the respect of the honor, reputation and image of the private life of citizens.

15. The restriction indicated in article 19 of the Covenant, like other legal orders, requires the offender (whether or not a journalist) to face charges in criminal proceedings for defamation, slander or similar offenses in accordance with items 3 and 4 of article 40 of the Angolan Constitution and articles 407 and 410 of the Criminal Code, in addition to the possibility of disciplinary and civil proceedings.

16. We believe that the limitation imposed is to protect the individual interests of the offended party and not violate or restrict the right to freedom of expression.

Final considerations

17. Based on reasons above mentioned the 34 recommendations ***will not be accepted.***

18. The Republic of Angola would like once again to thank all delegations who made statements during the Angola UPR the members of the Troika, the President of the Human Rights Council and all member of the Secretariat and reiterates its willingness to engage in continuous, open and constructive dialogue.